

FOR IMMEDIATE RELEASE

Voters Sue State to Prevent Planned Destruction of Election Records

Montgomery, AL, December 8, 2017 – A Republican, a Democrat, an Independent and a minister yesterday asked a Montgomery circuit court judge to order protection of election materials from next week's special Senate election. The voters say these materials are essential for verifying the accuracy of the election results and that the State plans to destroy them.

At issue are the "ballot images" created by the digital scanners paper ballots are fed into. Eighty five percent of vote-counting machines in the state count votes by reading the ballot images.

"The Secretary of State's office is legally required to set procedures to assure all election materials for 22 months after a federal election," explains election transparency expert John Roberts Brakey. "Even the envelopes from absentee ballots have to be kept. Destroying the ballot images is illegal. We're only asking the Secretary of State to follow the law."

"We need to make sure we can check on the results of the election if there's any question," said plaintiff Victoria Tuggle of Cullman County. "The confusing ballot design for the special election makes it extra important that human eyes can verify that the machines are counting the votes correctly," she said. "The public should be able to look at those images and make sure the machines count every ballot where voter intent is clear." She explained that the ballot images do not contain any identifying information about the voter, so they can be examined without violating the voters' right to a secret ballot.

Another plaintiff, Pamela Jean Frost Miles from Madison County, added, "We're fortunate most of the voting machines in Alabama create these ballot images. Not every state has them, and they really can make our elections more transparent. This isn't a partisan issue. It's about fair elections, period."

In a similar legal action in Arizona earlier this year, the judge ruled that ballot images are a public record and must be preserved as outlined by law.

The DS200 and DS850 machines in use in 85% of Alabama include options for saving all ballot images, saving only images for write-in votes, and saving no images. The default setting saves all images. Even when "None" is selected, the scanners still create ballot images, but will delete those images after the votes on them are counted by the machine.

"I have been informed by election officials in three of the state's largest counties that they intend to save only the images of the write-in ballots," said Brakey. "This means an election official will intentionally change the setting to destroy ballot images. We can't let that continue to happen."

The voters filing the case are asking the judge to order all Alabama counties to select the setting on the DS200 and DS850 scanners that will save all ballot images. This can easily be done in time for next week's special election.

Contacts: Priscilla Black Duncan. LLC
472 S. Lawrence, Suite 204
Monterrey, AL 36104
(334) 264-9679
helzphar@mindspring.com

Chris Sautter
Attorney for Plaintiffs
(202) 285-7560
sauttercom@aol.com

John Roberts Brakey
Executive Director of AUDIT-AZ
(520)339 2696
JohnBrakey@gmail.com